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July 9, 2014

*Via ECF and Regular Mail*  
Honorable Kenneth M. Karas  
United States District Court  
United States Courthouse  
300 Quarropas Street, Chambers 533  
White Plains, NY 10601-4150

Re: *Charles L. DeCesare v. The Aetna Life Insurance Company, et al.*  
Index No.:12-cv-7162 (KMK)

Dear Judge Karas:

This office represents Defendants Aetna Life Insurance Company ("Aetna") and The Dress Barn, Inc.'s Long Term Disability Plan (the "Plan") in the above-captioned matter. We write to seek the Court's permission to electronically file a document larger than 15 MB, the limit set forth in the Guidelines for Electronic Case filing in the Southern District of New York.

The Defendants' motion for summary judgment is due to be filed on July 11, 2014 pursuant to Your Honor's Order. (Doc. No. 32). In support of their motion, Defendants intend to file a declaration attaching the administrative record, which consists of 2043 pages and a DVD containing a surveillance video. The reason for this request is that this case involves a dispute over benefits allegedly due under an employee welfare benefit plan governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* ("ERISA"). As such, the entire record compiled during the administrative review of Plaintiff's claim is relevant evidence and provides the necessary factual background for the parties' arguments on the issues presented in Defendants' motion for summary judgment. *See, e.g., Heimeshoff v. Hartford Life & Acc. Ins. Co.*, 134 S.Ct. 604, 614 (2013) (noting that "to the extent participants fail to develop evidence during internal review, they risk forfeiting the use of that evidence in district court. The Courts of Appeals have generally limited the record for judicial review to the administrative record compiled during internal review") (citations omitted).

We request permission to file a disk containing a hard copy of the entire administrative record with the Clerk of the Court in order to ensure that all documents necessary for the Court's consideration are available for its review.

Thank you for your consideration of this matter.

Respectfully submitted,

s/  
Michael H. Bernstein  
Sedgwick LLP

Cc: *Counsel for the Plaintiff (Via ECF)*